United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB Hanson Industries, LLC, et al.,

Plaintiffs,

v.

Google, Inc.,

Defendant.

____/

NO. C 05-03649 JW

AMENDED ORDER FOLLOWING CASE MANAGEMENT CONFERENCE; SETTING A NEW DEADLINE FOR THE CLOSE OF ALL DISCOVERY AND LAST DATE FOR HEARING DISPOSITIVE MOTIONS

On December 1, 2008, the Court held a Case Management Conference. Counsel for the respective parties were present. At the Case Management Conference, Defendant represented that it will file a Motion for Partial Summary Judgment on Plaintiffs' UCL and FAL claims, which will be based on evidence that Defendant's "120% Rule" was disclosed to Plaintiffs when they signed up for Defendant's AdWords program. In light of this representation, the Court orders as follows:

(1) The hearing on Defendant's anticipated Motion for Partial Summary Judgment on Plaintiffs' UCL and FAL claims is set for **March 20, 2009 at 9:00 a.m.**

(2) Defendant's Motion shall be filed and served on or before **January 16, 2009**;

(3) Plaintiffs' Opposition shall be filed and served on or before **February 27, 2009**;

(4) Defendant's Reply, if any, shall be filed and served on or before **March 6, 2009**.

At the Case Management Conference, the parties also discussed a dispute regarding Defendant's provision of discovery on the issue of monetary damages associated with Plaintiffs' claims. With respect to this issue, the Court orders that no later than **February 2, 2009**, Defendant

Dockets.Justia.com

shall be prepared to provide Plaintiff with any necessary discovery regarding the issue of monetary damages.

In addition, to the extent that there are no current deadlines with respect to the date for the close of all discovery and last date for hearing on dispositive motions, the Court now sets those deadlines as follows:

(1) To the extent that there are still outstanding discovery as referenced above, the Court sets **February 2, 2009,** as the date for the close of all discovery

(2) The Court sets **March 20, 2009**, as the last date for hearing on all dispositive motions. This deadline excludes Plaintiffs' anticipated Motion for Class Certification.

This case has been pending since 2005. The Court has entertained numerous partial summary judgment motions by Defendant. The Court has a strong desire to clear its docket and thus encourages the parties to work diligently to bring this action to a close.

Dated: December 9, 2008

JAMES WARE
United States District Judge

United States District Court
For the Northern District of California

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

Adel A. Nadji anadji@audetlaw.com
Daniel Jeffrey Shih dshih@susmangodfrey.com
David T. Biderman dbiderman@perkinscoie.com
Farschad Farzan ffarzan@perkinscoie.com
Judith B. Gitterman gittj@perkinscoie.com
Lester L Levy llevy@wolfpopper.com
M. Christopher Jhang cjhang@perkinscoie.com
Marc M. Seltzer mseltzer@susmangodfrey.com
Michele Fried Raphael mraphael@wolfpopper.com
Rachel S. Black rblack@susmangodfrey.com
Stephen D. Susman ssusman@susmangodfrey.com
William M. Audet waudet@audetlaw.com

Dated: December 9, 2008

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy